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GROUP 1600

Fax

To: Group1638; ATTN: A. Kubelik From: Pat Sweeney
Fax: (703)872-9306 Pages: 4 + cover
Phone: (703)308-5059 Date: February 5, 2003
Re: USSN 10/021,657 CC:

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Ref No. 1148D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Albertsen et al.	Art Unit: 1638
Serial No.: 10/021,657	
Filed: December 14, 2001	Examiner: A. Kubelik
For: Nucleotide Sequences Mediating Fertility and Method of Using Same	Confirmation No. 5787

**REQUEST TO TRANSFER SEQUENCE LISTING AND REFERENCES;
RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner of Patents
US Patent Office

Sir:

The Applicant requests pursuant to 37 C.F.R. §1.821(e) the Patent Office use the previously filed identical electronic sequence listing in the parent application, USSN 09/670,153 filed September 26, 2000. A copy of this sequence listing has already been provided in the original filing of the application December 14, 2001.

Further, the Applicant provides a copy of the Information Disclosure Statement filed in the parent application, USSN 09/403,686 filed September 7, 1999, along with all 1449 forms provided by the Applicant and Examiner in that application, and pursuant to 37 CFR §1.98 (d) requests the Examiner use copies of the references provided in the parent application.

In response to the Restriction requirement, the Applicant elects group I, claims 1-15, 27-29 and 31, 34 with traverse. The Applicant points out that in the restriction requirement for the parent application, USSN 09/670,153, filed September 26, 2000, the Examiner had restricted claims 1-58 into three groups, with Group I in that restriction including 1-15, 19-22 and 27-34. In the current application, the Applicant has presented the claims of Group I from the parent application. The Examiner has now restricted the

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

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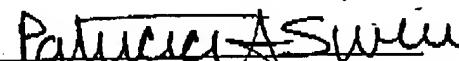
Feb 5 2003
Date

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claims further, stating that Group I are claims to a nucleic acid, and are restricted from Group II, claims 19-22, 30 and 32, 33, to a method of making seed using the nucleic acids described. Applicant submits the original grouping of the claims in the parent application by the Examiner was correct, and further that the method of Group II claims requires the use of the novel nucleic acid sequences set forth in Group I. For these reasons reconsideration and withdrawal of the Restriction requirement is requested.

The Examiner is invited to contact the attorney listed below with any questions or concerns.

Respectfully submitted,



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Notice of References Cited		Application/Control No. 09/670,153	Applicant(s)/Patent Under Reexamination ALBERTSEN ET AL.
Examiner Anne Kubelik		Art Unit 1638	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,837,630	11-1998	Thakur et al.	438/255
	B	US-5,689,041	11-1997	Mariani et al.	435/320.1
	C	US-5,432,068	07-1995	Albertsen et al.	536/24.1
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

- NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	Donal et al., Mutation of either G box or I box sequence profoundly affects expression from the <i>Arabidopsis rbcS-1A</i> promoter; 1990, The EMBO Journal, Vol. 9, No. 6, pages 1717-1726
	V	Walbot, Feb. 02, 2000, ACC: AI820207.
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



B2002

Form PTO 1449

#16
Chart

			ATTY. DOCKET NO.	Application No.		
			1148	09/670,153		
INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>			Applicant			
			Albertsen et al.			
			Filing Date	Group Art Unit		
			September 26, 2000	1638		
U.S. PATENT DOCUMENTS			NAME	CLASS	SUBCLASS	FILING DATE
FOREIGN PATENT DOCUMENTS			COUNTRY	CLASS	SUBCLASS	Translation
						Yes
						No
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
Rebers, J. (1999) Insect Biochem Mol 29:293-302						
Vrati et al. (1996) Virology 220:186-199						
Millar, J.K. et al (2001) Molecular Psychiatry 6:173-178						
Aranda-Agustin et al. (1998) Nucleic Acids Res 26:4598-4596						
Sasaki, T. et al. GenBank ACC AP003373 (submitted March 7, 2001; replaced August 28, 2002)						
EXAMINER	<i>Maria Shale</i>			DATE CONSIDERED	1/22/02	
<small>"EXAMINER: Indicate citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with first communication to applicant."</small>						

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